

### **REMARKS**

Claims 1-19, 21-25, and 27-38 were rejected. By virtue of this response, claims 35 and 37 are amended, and claims 31-32 are cancelled. Claims 1-19, 21-25, 27-30, and 33-38 are pending. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter is added.

#### **I. Claim Rejections Under 35 USC §102**

Claims 35-38 were rejected under 35 U.S.C. 102(a) as allegedly being anticipated by LM Ericsson International Publication No.: WO-2004/016012 A1 (“Telefonaktiebolaget”).

##### **A. Independent Claim 35; Dependent Claims 36 and 37**

Independent claim 35 recites, among other things, “determining, for one or more of the neighbouring cells, whether a signal from the respective neighbouring base station is receivable by the user equipment; creating a first list from the receivable neighbouring cells; generating a user request message, wherein the user request message includes a request for a multicast service and the first list of received neighbouring cells” (Emphasis added).

In contrast, Telefonaktiebolaget discloses the mobile station reporting an “active set” to the network (paragraph [0050]). Further in contrast, Telefonaktiebolaget discloses that a “‘neighbor list’ information is transmitted for each service area 10” (paragraph [0052]).

Therefore, Telefonaktiebolaget does not disclose a “user message” containing both “a request for multicast service” and a “first list of received neighboring cells” as recited by claim 35.

For at least this reason, Applicants respectfully assert that claim 35 is allowable over Telefonaktiebolaget. Furthermore, Applicants respectfully assert that claims 36 and 37, which depend on claim 35, are allowable for at least the reason that they depend on an allowable independent claim.

B. Independent Claim 38

Independent claim 38 recites, among other things, “receiving a user message ... in the first cell” and “initiating the multicast service in the group of cells neighboring the first cell.” Additionally, claim 38 specifies that “the user equipment [is] in the first cell.” Thus, **the multicast service is initiated in cells other than the cell receiving the user message.**

In contrast, paragraph [0054] of Telefonaktiebolaget discloses “receiving a registration request within a given service area” and activating the “default service zone controlled by that service area.” Because the “given service area” controls the default service zone, the given service area is necessarily part of the default service zone. (See Fig. 1 and paragraph [0021].) Thus, Telefonaktiebolaget discloses **activating a default service zone which also contains the service area where the message was received.**

Therefore, Telefonaktiebolaget does not disclose “receiving a user message ... in the first cell” and “initiating the multicast service in the group of cells neighboring the first cell,” as recited by claim 38. For at least this reason, Applicants respectfully assert that claim 38 is allowable over Telefonaktiebolaget.

II. Claim Rejections Under 35 USC §103

A. Independent Claims 1 and 23; Dependent 18

Claim 1, 18 and 23 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over US Patent Publication No.: 2005/0213541 (“Jung”) in view of Telefonaktiebolaget.

Independent claim 1 recites, among other things, “a user message transmitted by user equipment positioned in a second cell” and “initiating the multicast service in the first cell.” Independent claim 23 recites, among other things, “user equipment . . . in a first cell” and “transmission of the multicast service by . . . a second cell.” Thus, claims 1 and 23 recite that the **cell providing the multicast service is different from the cell containing the user equipment.**

In contrast, Paragraph [0085] of Jung applies when “a terminal moves into a cell managed by a DRNC.” In response to the terminal movement the SRNC can transmit a “MBMS

connection request message” to the DRNC. (paragraph [0086]). Thus, Jung discloses the possibility of **starting MBMS service in the same DRNC where the terminal currently resides.**

Therefore, Jung does not disclose providing multicast service in a cell different from the cell containing the user equipment. For at least this reason, Applicants respectfully assert that independent claims 1 and 23 are allowable over the combination of Jung and Telefonaktiebolaget. Additionally, Applicants respectfully assert that claim 18, which depends on claim 1, is allowable for at least the reason that claim 18 depends on an allowable independent claim.

**B. Dependent Claims 2 and 14**

Claims 2 and 14 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Jung in view of Telefonaktiebolaget and further in view of U.S. Patent Publication No.: 2006/0194582 A1 (“Cooper”).

Applicants respectfully assert that claims 2 and 14, which depend on claim 1, are allowable for at least the reason that claims 2 and 14 depends on an allowable independent claim.

**C. Dependent Claim 17**

Claim 17 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Jung in view of Telefonaktiebolaget and further Cooper and further in view of 3GPP TS 25.346 V6.0.0 (2004-03) (“3GPP”).

Applicants respectfully assert that claim 17, which depends on claim 1, is allowable for at least the reason that claim 17 depends on an allowable independent claim.

**D. Dependent Claims 3-6, 8, 9-13, 15-16, 24-25, and 27-30**

Claims 3-6, 8, 9-13, 15-16, 24-25 and 27-30 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Jung in view of Telefonaktiebolaget and further in view of 3GPP.

Applicants respectfully assert that claims 3-6, 8, 9-13, 15-16, 24-25 and 27-30, which variously depend on independent claims 1 and 23, are allowable over for at least the reason that they depend on an allowable independent claims.

E. Independent Claim 19; Dependent Claims 21 and 22

Claims 19 and 21-22 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Jung in view of Cooper.

Independent claim 19 recites, among other things, user equipment transmitted “user messages [which] include[] a list of one or more neighbouring cells” and “accumulating a first count of user messages having the cell included in the list.” Thus, the cell count is incremented **if the list in a user message includes the cell.**

In contrast, paragraph [0026] of at line 8 of Jung states that the RNC can perform “a counting function . . . by using the MBMS notification process.” The MSMS notifications are transmitted by the network to the terminals. (paragraph [0026], lines 2-3.) In other words, Jung discloses **a counting process based on notifications transmitted by the network to terminals.**

Therefore, Jung does not disclose “user messages” which include a list of neighboring cells and “accumulating a first count of user messages having the cell included in the list,” as recited by claim 19. For at least this reason, Applicants respectfully assert that independent claim 19 is allowable over the combination of Jung and Cooper. Additionally, Applicants respectfully assert that claims 21 and 22, which depend on independent claim 19, are allowable for at least the reason that they depend on an allowable independent claim.

F. Dependent Claim 7

Claim 7 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Jung in view of Cooper and further in view of 3GPP.

Applicants respectfully assert that claim 7, which depends on independent claim 19, is allowable for at least the reason that claim 7 depends on an allowable independent claim.

G. Independent Claim 31; Dependent Claim 32

Claims 31-32 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Jung et al. (Publication No.: 2005/0213541) in view of Goldberg et al. (U.S. Patent No.: 5,724,662).

Claims 31 and 32 have been cancelled. Therefore, the rejections to claims 31 and 32 are moot.

H. Independent Claim 33

Claim 33 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over 3GPP in view of Cooper.

Independent claim 33 recites, among other things, that “the user equipment transmits on an uplink.” Claim 33 also recites “signaling, on the uplink, a second list including an indication of acceptable cells from the first list.” Thus, claim 33 requires the user equipment to transmit a list of acceptable cells.

In contrast, paragraph 7 of 3GPP recites, “[t]he UE determines the neighbouring cell suitable for selective combining based on threshold (e.g. measure CPICH EC/NO) and the presence of MBMS NEIGHBOURING CELL INFORMATION of that neighbour cell.” Thus, 3GPP discloses only determining the suitable cells.

Therefore, 3GPP does not disclose the user equipment transmitting “a second list including an indication of acceptable cells from the” list of neighboring cells, as recited by claim 33. For at least this reason, Applicants respectfully assert that claim 33 is allowable over the combination of 3GPP and Cooper.

I. Dependent Claim 34

Claim 34 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over 3GPP in view of Cooper and further in view of Telefonaktiebolaget.

Applicants respectfully assert that claim 34, which depends on independent claim 33, is allowable for at least the reason that claim 34 depends on an allowable independent claim.

**CONCLUSION**

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No.: 03-1952** referencing **Docket No.: 562492000100**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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